

**BOROUGH OF DUMONT
BERGEN COUNTY, NEW JERSEY
PUBLIC MEETING MINUTES
APRIL 15, 2014
7:15 PM**

Mayor Kelly called the meeting to order at the Senior Center at 7:15PM

Flag Salute; Silent Prayer

Sunshine Law: The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time and change of place of this regular meeting in a notice posted at Borough Hall, sent to *The Record* and the *Ridgewood News*, posted on the Borough website and filed with the Borough of Dumont.

Roll Call:

Council members: Brophy, Carrick, Correa, Hayes, Riquelme, Zamechansky-present
Mayor Kelly-present
Alfred Egenhofer, Esq. was present in the absence of Borough Attorney Paster.

Motion to accept agenda as presented: Councilman Hayes
Second: Councilman Riquelme
All in favor.

Approval of Minutes

Motion to approve the March 18, 2014 Executive meeting, Public meeting and Closed Session minutes: Councilwoman Zamechansky
Second: Councilman Hayes
Roll call vote: Council members Carrick, Correa, Hayes, Riquelme, Zamechansky-yes
Councilman Brophy-abstained
Motion to approve the minutes of the April 1, 2014 Executive Session and Closed Session:
Councilman Brophy
Second: Councilwoman Zamechansky
Roll call vote: Council members Brophy, Correa, Hayes, Riquelme, Zamechansky-yes
Councilman Carrick-abstained

Administrator's Report

We are expecting the new senior bus next week.

Memorial Park opened this past weekend with the new fields installed.

Mr. Perkins and other administrators met with County representatives to discuss shared services on a County level. One of the issues discussed was the high cost of removal of leaves and grass.

The Borough department heads and supervisors are required to attend a seminar on loss prevention June 6th. This seminar will deal with accidents on the job as well as harassment.

At a recent meeting of Community Development Block Grant, which is held at the Senior Center, a grant in the amount of \$126,000 for improvements to the sanitary sewer line on Cortland between Columbia and Erie was discussed.

United Water will be replacing a 6" line with an 8" water line and providing new services to the residents on Sunset from Avon to Richard and on Erie from Cooper to Johnson.

Verizon Wireless will be changing from the tower in Bergenfield to the one at Dumont DPW. They will be renting space from the town in order to put a portable tower up in the meantime and will pay Dumont \$45,000 for the rental.

An extension for the Memorial Park Improvements project was requested and granted.

United Water damaged some power lines at Washington and Madison a few months ago. The Borough received a check for \$3,330.14 to pay for emergency work done by a contractor. United Water paid for traffic control directly.

There was damage to the Library due to all the snow we had. The insurance company paid \$5,785.40 to repair the leaders and gutters and to fix the walls and rug.

Council Committee Reports

- Councilman Brophy

Finance Committee

The Committee continues to meet to tie up some loose ends regarding the 2014 municipal budget. The budget adoption is scheduled for May 6th.

- Councilman Carrick

The Councilman read a statement: "A few weeks ago I used some choice words toward some council people. The words were a bad choice but do not apologize for them, just should have picked a better choice of words. With that being said my comment was about the fencing that was going on at Memorial Park and the safety and danger involved. A resident called me one Friday evening to tell me that kids were playing behind that fence and jumping all over it. This area was not secured. It was wide open. There were pipes and old fence left on the walking track and there was an 18' baker scaffold set up on the field for two weeks with nobody working on it. When I was a kid, if I found out, I would be jumping all over it and playing on it. With all that going on no one and I mean no one had done anything to straighten up that area. I met Don Morrell and Mayor Kelly at the park. I asked them if he would mind if I called the DPW, who are on standby all weekend, to help us clean up. He said yes. With their help, Mayor Kelly, Don Morrell, myself and the DPW, we made it safe enough for the weekend for our kids. With that said, emails were sent out by me and they came out of my heart instead of thinking it through. I always worry about the safety of our kids. I was told by two Council people this could wait until Monday-now remember it's a beautiful weekend, every kid is out, they were all playing around that park. The comment that one council woman told me was that the Rec. chairman and the council liaison knew about this since Thursday as well as the engineer that we hired and nothing was done. If I tell somebody to do something and it's not done I check it. I make sure it gets done. Somebody should have went back to that park and checked. I've missed five meetings in the last two months due to having to work on the west coast. If I did not go I would have lost my job. In the last year my family life has changed and I need to support two homes. That's no one's problem but my own. I still live up to my council position. I made three of the five meetings by phone. I will say this-I am against what's going on tonight with that zoning. We sit up here on the Council and we can't have anything to say, we're not allowed to express our opinion in any way. We're told by our attorney to keep quiet. Well, I'm not that guy. Anyone who sits up here remember they all work for you. You elected them, they are your officials. You challenge them, you question them. With that being said as of 7:30 tonight I officially

resign my post as councilman of Dumont. Thank you all for electing me and letting me serve. It's been an honor."

Councilman Carrick left the meeting following his resignation at 7:30pm.

- Councilwoman Correa

Shade Tree Commission

The Councilwoman attended the meeting. Guy Vogt spoke about the Veteran's Plaza substation project and answered all questions from the Shade Tree Commission.

Arbor Day is scheduled for April 26th at West Shore Avenue. There will be a planting of an American Holly. The dedication brick will also be unveiled. The art show contest will be April 22nd at the Library. As of March 17th there was only one permit for tree removal. Adopt-a-Tree requests are still ongoing.

Environmental Commission

Captain Bill Sheehan, Hackensack Riverkeeper, presented a program to approximately sixty residents and forty students. There was a film explaining the process of keeping the rivers clean and suggested sending letters to our legislators and DEP to regulate purification of these areas.

Ambulance Corps

The Councilwoman attended their meeting. They run strictly on donations. The committee presented their 2014 budget and they were under the 2013 budget. She learned that the rigs are rotated every ten years but in overlapping years. The fence behind the building was damaged by a snow plow; maybe we can get insurance to cover that. They requested lines to be painted on Madison and Brook because cars blocking Brook prevent them from exiting during an emergency. Mr. Perkins responded that this has been approved.

- Councilman Hayes

Rent Leveling Board

There was a short meeting last night. Mark Madaio was reappointed as the attorney for the Board.

- Councilman Riquelme

Police Department

In March, there were 1,900 calls for service, 89 telephone calls for medical reasons, The patrol division issued 380 traffic summons and 3 DWI arrests. The Detective Bureau investigated 8 domestic violence cases, made 1 arrest and handled 53 criminal cases.

- Councilwoman Zamechansky

Columbia Field will be renamed "Dawn M. Totten Memorial Field" at Columbia Park on April 27th at 1PM.

Mayor's Report

The hearing on the 2014 Municipal Budget, previously advertised for tonight, has been deferred to May 6th at 6:30pm

Review of Consent Agenda Items: All items with an asterisk are considered to be non-controversial by the Council and will be approved by one motion. There may be further discussion prior to the vote upon request of a member of the public or a Council member. Also, any item may be removed for further discussion or for roll call vote in which case the item will be removed and considered in its normal sequence as part of the general order of business.

#14-102 Bills List *

#14-103 Authorization to Advertise the Public Hearing on the Adoption of Prequalification Regulations for Contractors-Phase II Derick Banta House-Dumont Public Library *

#14-104 Authorization of Emergency Temporary Appropriations *

#14-105 Approval of Lincoln School PTO On-premise Merchandise Raffle to be held June 6, 2014; ID#109-5-30683; RL#406 *

#14-106 Approval of Lincoln School PTO On-premise Cash Raffle to be held June 6, 2014; ID#109-5-30683; RL#407 *

There were no comments from the Council.

Motion to open to the public on Consent Agenda items: Councilman Hayes

Second: Councilman Brophy

All in favor.

Motion to close to the public: Councilman Brophy

Second: Councilwoman Zamechansky

All in favor.

Motion to adopt Consent Agenda: Councilman Brophy

Second: Councilwoman Zamechansky

Roll call vote: Council members Brophy, Hayes, Riquelme, Zamechansky -yes

Councilwoman Correa-no

ORDINANCES

Second Reading

#1472 Ordinance Amending Chapter 455-9 of the Borough of Dumont Code-W. Shore Avenue

Motion to waive formal reading: Councilwoman Zamechansky

Second: Councilman Brophy

All in favor.

Motion to open to the public: Councilman Brophy

Second: Councilman Hayes

All in favor.

Motion to close to the public: Councilman Brophy

Second: Councilwoman Zamechansky

All in favor.

Motion to adopt on second reading: Councilman Brophy

Second: Councilwoman Zamechansky

Roll call vote: Council members Brophy, Correa, Hayes, Riquelme, Zamechansky -yes

First Reading

#1473 Ordinance Amending Chapter 455, Zoning to Add a New Section-8-1, Residential Inclusionary District

Motion to waive formal reading: Councilman Brophy

Second: Councilwoman Zamechansky

All in favor.

Motion to pass on first reading: Councilman Brophy

Second: Councilwoman Zamechansky

Roll call vote: council members Brophy, Hayes, Riquelme, Zamechansky -yes

Councilwoman Correa-no

Mayor Kelly explained that the second reading will take place May 20th.

Motion to open to the public for general comments: Councilman Brophy

Second: Councilman Hayes.

All in favor.

The Mayor advised that the Governing Body will not be answering any questions tonight regarding Ordinance #1473 due to litigation. The second reading will be May 20th, the next public meeting. Attending that meeting will be Darlene Green, COAH planner as well as our Borough attorney. A copy of the ordinance is available at this meeting and on the website. He said the residents are encouraged to read it and formulate questions; if the questions could be submitted prior to the meeting, it will give the professionals an opportunity to answer all questions that night.

1. MaryAnn Russini, 141 Roosevelt Avenue, thanked Councilwoman Zamechansky and the engineer for coming to look at her property today, which has flooding issues.
2. Lynne Vietri, 41 Wilkens Drive: the Borough is compliant in rounds one and two of COAH but supposedly short seventeen units for the third round. COAH is a state-run agency which mandates that all towns in New Jersey provide an opportunity for affordable housing within their communities. The issue is density. While everyone is entitled to sell their land and make a profit, the D'Angelos should not be allowed to sell it when it is a detriment to the town. The SOD group has brought attention to this issue and written letters to all elected officials they could think of.
3. Lily Binney, 32 Roxbury: In 2004 COAH third round rules were enacted. In 2007 our master plan warned of the danger of D'Angelo Farms falling into the hands of a builder. The lack of a proactive plan over the years has led Dumont to the problem they are facing now. Why was this not done? We should have an attorney who specializes in COAH. Is there a plan for Open Space? Additional units should be picked up a little at a time. The officials should make every effort to fight this injustice.
4. John Sansone, 119 Beacon St.: He handed the Mayor a petition with 1354 signatures asking the Council to wait on the zoning pending the court's decision on COAH round three. If the builders pull out, why can't the property be rezoned residential?
5. Rachel Bunin, 9 Poplar St.: She is concerned about overdevelopment. The decisions the Governing Body makes will effect Dumont residents for future generations. She has been working with a team of residents to sort out the issues. They are fighting the development of D'Angelo's because of density. They were told there was nothing that can be done. Our Borough attorney has made a case to rezone now to protect Dumont from the existing lawsuit but the group isn't convinced of the urgency given the chaos in the COAH laws. There are other options. The group will continue to urge the D'Angelo family to reconsider their deal with the developers, seek funding to purchase and preserve the property.
6. MaryAnn Russini, 141 Roosevelt: She suggested a larger space for future meetings. Is there a subcommittee to discuss issues with this group?
7. John Hochnagel, 30 Wilkens: thought Ordinance #1473 was adopted already.
8. Kevin Hughes, 59 Andover: Will builder have to do environmental impact statement? Could a weight limit be put on Andover to prevent big trucks going down there for the development? Could the speed limit be enforced?
9. Ken Morrow, 7 Medford Road: How long do we have until a court is going to rezone this area and we lose control? It is important to have all the facts, not just the emotional aspect.

Mayor Kelly said there is a fact sheet on the website. If there are any other questions, he suggested they be mailed, sent to the Mayor and Council's emails or dropped off at Borough Hall.

10. George Rafferty, 34 Blanche Ct.: Could a question be put on the ballot about D'Angelo Farms in June or November?
11. Cary Stopsky, 48 E. Quackenbush: He asked about the Phase II Flood Control and where we stand with flood insurance. The plantings are not growing. Kids from Honiss throw trash on his property.
12. Cathy Doherty, 110 Roxbury: We have met COAH Round one and Round two requirements, we have been sued by Landmark, we have asked the judge for a stay to wait for the third round rules that come out in November, we are in a rush to rezone the property. Since there is no housing requirement we have to meet at this time, what's magical about the twelve units per acre. She heard there is a caveat in the COAH rules that indicate you can get dispensation if the town's parks make up less than a certain percentage of the square footage of the town. Dumont is a little above the percentage. Is there a strategy to reduce the percentage to qualify?
13. Jim Devine, 12 Hunting: A non-binding referendum would be a valuable tool. He wanted confirmation that the planner will be able to provide all information at the May 20th meeting. Could there be a raised dais so that the audience knows who is talking?
14. Diane Canalis, 20 American Legion Terrace: How much experience does the current Borough attorney have in this type of situation? There must be a specialist for this type of situation. Kids need a Rec. Center.
15. Judy Parker, 55 Susan Drive, Closter: She owns properties in Dumont. Does the town make payments to other towns in lieu of building the affordable housing apartments here?
16. Dick O'Connor, 49 Blish Place: This development will affect property values.
17. Mary Tummillio, 96 Stratford: Is the soil safe? Will the residents see the results?
18. Liz Marchese, 235 Larch Avenue: The developer hasn't applied yet. The planner and Borough attorney should be here tonight. What is Mr. Paster's firm's experience with handling builder's remedy actions? We need a new lawyer.
19. Ulysses Cabrera, 659 Columbia Street, New Milford: He is part of the SOD group. What is the current zoning of D'Angelo's Farm? Don't rezone-the developers are using scare tactics.
20. John Rutledge, 335 River Road, New Milford: He is part of the SOD group. Don't be lulled into the rateables mythology. On the COAH obligations, the reality of having to fight a builder's remedy suit is going to be less than if you let this thing proceed. There will be negative impact to the community.
21. Ed Verga, 92 Wilkens Dr.: He doesn't like the idea of a four story apartment building. He would be happy to kick in a few grand along with other people to hire a lawyer to sue the town to protect his property value.
22. Pete Fusco, Andover: What benefit does building a 42' building have on anybody in this room? It will raise his taxes. There is a lot of traffic now. You have to get an attorney that understands how to get this thing killed.
23. 23. Walter Papp, 47 Wilkens Dr.: He is an engineer. He feels that there should be a peer review for the planner.
24. Tony Nazzarro, Jr., 23 Merritt Ave.: Many of his parents' friends and those of his generation have moved out of Dumont because they could no longer afford the tax burden. This new problem will raise taxes. This should be a single home development property. The developers only have a profit motive. The Council needs to stand with the residents and say we can not afford it.

25. Cathy Doherty, 110 Roxbury Rd.: She understands that after one year of not farming the property, D'Angelo Farms will be subject to back taxes and it is her understanding that it will generate a million dollar liability for the D'Angelo family as of November 1st. This amount, with no additional expense, might help us stop the rezoning.
26. Margaret Keating, 60 Fleetwood Rd: Will more services be needed? Will COAH look at the stress the development would add to this town or does that go into any of the equations? Would we do our own feasibility study and submit it with our plan?
27. Mary Tummillo, 96 Stratford Rd.: Who owns the property now? Who is paying taxes now?
28. John Abbott: He feels we should have more than one lawyer.
29. Lynne Vietri, 41 Wilkens Dr.: If in twenty-five years they find something in the soil and we didn't get the environmental studies, they're coming after Dumont, D'Angelo's and Landmark. We should do our own studies. COAH doesn't care about the schools or the impact on the town.
30. Joan Lyons, 29 Wilkens Dr.: Washington Avenue is a county road-can we ask the County for help? Traffic is bad already.
31. George Rafferty, 34 Blanche Ct: Is there affordable housing in surrounding towns? St. Mary's residence should have picked up the slack in the lack of housing.
32. John Hochnagel, 30 Wilkins Dr: The property on New Milford Avenue where there was a bar was rezoned several times. There are two houses there now where the bar was.
33. Kathleen Velazquez, 33 Roxbury Road: She feels this has been a done deal. The Council should fight for Dumont.
34. Debbie Tamburro, Roosevelt Ave.: We're a blue collar town and we need to stick together and fight this.

Motion to close to the public: Councilman Brophy

Second: Councilman Riquelme

All in favor.

Motion to adjourn: Councilman Brophy

Second: Councilman Hayes

All in favor.

Meeting was adjourned at 9:15PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Municipal Clerk